

The Employment Law Firm
Cynthia L. Pollick, LLM
I.D. No.: 83826
Greater Pittston Professional Center
126 S. Main Street, Suite 201
Pittston, PA 18640
(570) 654-9675

Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES J. GUARNIERI	:	CIVIL ACTION – LAW
	:	
Plaintiffs	:	JURY TRIAL DEMANDED
	:	
V.	:	
	:	
DURYEA BOROUGH, DURYEA, et al.	:	
	:	
Defendants	:	NO. 05-1422

**GUARNIERI'S MOTION
FOR ATTORNEY FEES AND COSTS**¹

NOW COMES Plaintiff, Charles J. Guarnieri, through his attorney, Cynthia L. Pollick, Esquire, and requests that this Court pursuant to FRCP 54(d)(2) to award attorneys' fees and costs in favor of the Plaintiff since he was the prevailing party at trial, and states the following:

1. On April 17, 2008, a jury found that Duryea and its officials retaliated against Guarnieri based on him filing a grievance and the instant lawsuit.

¹ Plaintiff will file the required Bill of Costs; however, the amounts requested in the same are covered within the amounts requested here.

2. The jury awarded Guarnieri over \$97,000.00.
3. Pursuant to FRCP 54(d)(2)(B), a party may move for an award of attorneys' fees and costs within 14 days after entry of judgment.
4. Plaintiff was the prevailing party since he was granted judgment on his First Amendment Retaliation claim.
5. Plaintiff's counsel's currently hourly rate is \$300.00.
6. Defendants had four (4) lawyers assisting them at trial while Plaintiff only had one.
7. Employment attorneys in our area have rates between \$330.00 and \$300.00. (See Exhibit "C", Affidavit of Barry Dyller, Esquire; "D", Letter from Paul Jennings, Esquire stating his fee is \$300.00 per hour back in 2002).
8. Plaintiff's counsel spent 473.8 hours on Plaintiff's case. (See Exhibit "A", Plaintiff's Counsel's Time Sheets)
9. Plaintiff is seeking \$150,927.50, plus costs of \$6,536.86 and \$2,400.00 for preparation of this fee petition, for a total of \$159,864.36 in attorneys' fees and costs. (See Exhibits "A" and "B").
10. Plaintiff reserves right to supplement request based on anticipated more time being spent on this case in connection with Defendants' motions.

WHEREFORE, Plaintiff requests that this Court enter an award of \$159,864.36 in attorney fees and costs.

By: /s/ Cynthia L. Pollick
Cynthia L. Pollick, Esquire
Pa. I.D. No.: 83826
363 Laurel Street
Pittston, PA 18640
(570) 654-9675
pollick@lawyer.com

CERTIFICATE OF NON-CONCURRENCE

Cynthia L Pollick, Esquire, hereby certifies that Defendant does not concur in the instant motion.

CERTIFICATE OF SERVICE

Cynthia L Pollick, Esquire, hereby certifies that on April 28, 2008, she served a copy of Plaintiff's Motion by serving a copy Electronically on Defendants' attorney:

Ms. Karoline Mehalchick, Esquire
Oliver, Price & Rhodes
1212 South Abington Road
Clarks Summit, PA 18411

/s/ Cynthia L. Pollick
Cynthia L Pollick, Esquire